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AUSTIN BEUTNER
Superintendent

November 26, 2018

Submitted via www.regulations.gov

Samantha Deshommes, Chief
Regulatory Coordination Division, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529-2140

Re: DHS Docket No. USCIS-2010-0012, RIN 1615-AA22, Comments in Response to Proposed Rulemaking: Inadmissibility on Public Charge Grounds

Dear Ms. Deshommes:

As the Superintendent of the Los Angeles Unified School District and on behalf of the 600,000 students and families we serve, we strongly oppose the Department of Homeland Security's Notice of Proposed Rulemaking (NPRM) changes to the "public charge" rule. If finalized, the proposed rule will be detrimental to the health and wellbeing of our students and their families, which in turn will have a major impact on student achievement and learning.

L.A. Unified is the second largest school district in the nation, enrolling approximately 600,000 students in kindergarten through 12th grade at over 1,300 schools and centers, and authorizing 225 independent public charter schools. L.A. Unified is located in the County of Los Angeles, which has one of the highest number of immigrants in the United States. Annually, L.A. Unified welcomes approximately 12,000 students who are new to the country. Nearly 90% of the District's student population is comprised of minority students, over 100,000 students are English learners, and 94 different languages are spoken throughout the district. In addition, approximately 84% of our students live at or near the poverty line. This regulation is a harsh and targeted attack on the community we proudly serve.

All students, regardless of their immigration status, have the right to free public education in elementary and secondary schools. This right was recognized by the Supreme Court in 1982 in the *Plyler v. Doe* ruling and remains the foundational tenet for ensuring all students have access to public education. This extends to ensuring that students have access to services to address physical and mental health needs, nutrition, safety, and wellness, in order to foster learning and support student attendance, engagement, and achievement.

Medicaid

The inclusion of Medicaid as a factor in the public charge test will have immediate repercussions for children's healthcare inside and outside of school. Federal laws require that specific health screenings be performed for school-aged children and that specialized education, health, and related services be

provided to students with disabilities. Medicaid provides vital funding to our school district to provide these federally-required medical and support services for students.

Medi-Cal, which is California's established Medicaid plan, serves approximately 13 million Californians (of which 40% are children and 25% are seniors and people with disabilities). L.A. Unified has proven to be an efficient provider of Medi-Cal services for school-aged children, serving approximately 70,000 students throughout our school district. These students receive medical services ranging from early and periodic screening, diagnosis, and treatment, health screenings, vision exams and hearing screenings, mental health services and counseling, as well as speech, physical, and occupational therapy.

L.A. Unified also leads the nation in providing mental health services at schools, programs and 15 Wellness/School Mental Health Clinics. National data indicates that schools serve as de facto mental health service systems for children who otherwise do not have access to such services in their communities. These clinics and services provide much needed prevention and early intervention, funded partly by Medicaid.

Inclusion of Medicaid as a factor in the public charge test will have a chilling effect on noncitizens who will be less likely to seek programs that support their basic needs including securing benefits for US citizen children. In order to enroll students into the Medicaid program, the school district is required to obtain parental consent that allows for the reimbursement by Medicaid for the direct healthcare services we provide. If the regulation becomes final, we expect that a significant number of noncitizen parents will refuse to consent to allowing the school district to bill Medicaid for healthcare, even for special education services which is excluded from the proposed rule. As a result, L.A. Unified will not be able to receive funding for these federally-required services and costs for the district will increase. Ensuring our students are healthy and continue to receive services will become increasingly more difficult.

Supplemental Nutrition Assistance Program ("SNAP")

Inclusion of SNAP as a proposed factor for the public charge test will also directly harm students. One in ten Californians receive nutrition assistance through CalFresh, which is California's SNAP program. CalFresh is California's food stamp program and increases the food buying power in low income households. If this proposed rule is enacted, school districts will see more children coming to school hungry because noncitizen families, regardless of whether the rule would affect their situation, will be afraid to apply for food stamps — either by deciding not to enroll, or by dis-enrolling current recipients. When children are hungry they have trouble paying attention, misbehave more easily, or suffer from headaches or stomach aches and thus, have a significant disadvantage when it comes to learning. Research has also shown that food-insecure 6-11 year-olds were more likely to have repeated a grade, and had lower arithmetic and general achievement test scores than food-secure children in the same age group.¹

Additionally, a dip in SNAP eligibility may negatively affect a school district's ability to receive reimbursements for free meals. The Community Eligibility Provision (CEP) is open to schools or districts where at least 40 percent of students come from families that use certain public benefits, including SNAP. Unlike in traditional school lunch programs, CEP allows high poverty schools to serve breakfast and lunch at no cost to all enrolled students without collecting household applications. Therefore, if there is a drop in SNAP recipients, 702 CEP schools within L.A. Unified may be unable to take advantage of this important program, resulting in the loss of free nutritious meals to all students who may benefit from the program regardless of immigration status.

¹ Ashiabi, G. (2005). Household food insecurity and children's school engagement. *Journal of Children and Poverty*, 11(1), 3-17.

Section 8 Vouchers

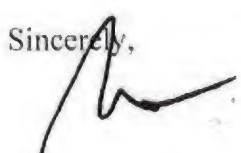
Another aspect of the proposed rule change that will affect students is the inclusion of Section 8 vouchers as a public charge test. Loss of federal housing assistance may increase the risk of families and children living in unsafe, overcrowded, and unstable housing and because of this, the education of students will suffer.² In addition, if parents start withdrawing from Section 8 benefits, school districts may see an increase in the homeless student population. L.A. Unified currently serves approximately 16,200 students who have been identified as homeless, living in shelters, motels, abandoned buildings, cars, doubled up with other families, or unsheltered. These students are more likely to be absent, suspended more, fall below grade level standards and, ultimately, drop out compared to their peers with stable housing.³

Children's Health Insurance Program (CHIP)

Finally, we are opposed to the inclusion of the Children's Health Insurance Program (CHIP) in the proposed rule change. The health program, which was just reauthorized on a bipartisan basis in Congress, has provided an invaluable service to immigrant children by ensuring that they can access healthcare providers and address healthcare issues early. L.A. Unified receives approximately \$673,250 in reimbursements from CHIP. If families are deterred from participating in the program, L.A. Unified will see a drop in this funding and children will ultimately become more reliant on emergency health services for basic medical care or not seek care at all, making this a public health issue.

L.A. Unified's mission is to ensure academic achievement so that each and every student graduates college and career ready. If the proposed rule is adopted, families, including those who have U.S. citizen children could be dissuaded from utilizing health, food, and housing benefits, due to concerns that their receipt of benefits would put their family members' immigration status at risk. The proposed rule will impair L.A. Unified's goal by not only impacting the health and wellbeing of our immigrant students, but it will also have far-reaching consequences on student achievement. Ensuring that students are afforded services including nutritious food, safe and stable housing, and adequate health care helps enable them to become employable, attend higher-education, and be productive contributors to American society. Because of these reasons, we strongly oppose the proposed rule and request that it be withdrawn in its entirety.

Sincerely,



Austin Beutner
Superintendent

² See, e.g., Press Release, U.S. Department of Education, Education Department Releases Guidance on Homeless Children and Youth (Jul. 27, 2016), available at <https://www.ed.gov/news/press-releases/education-department-releases-guidance-homeless-children-and-youth>; U.S. Dep't of Educ. & U.S. Dep't of Health and Human Servs., Dear Colleague Letter: Elementary and Secondary Education Act (June 23, 2016), available at <https://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercaredcl.pdf>.

³ Institute for Children, Poverty, and Homelessness. Suspension Hubs: The Rise in Suspensions Among Homeless Students (April 2018), available at <https://www.icphusa.org/reports/suspensionhubs/#key-findings>